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Burt Magen Viera Magen Marcus Harmon & DeNiro, LLP 685 Market Street, Suite 540 San Francisco, CA 94105-4206			AILES, BENJAMIN A	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/092,010	BLOCH ET AL.
	Examiner Benjamin A. Ailes	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 November 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-11 and 13-50 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 3-11, 13-50 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

1. This application has been assigned to a new Examiner. Please see the Conclusion section below for updated contact information.
2. This action is in response to correspondence received 23 September 2005 and 21 November 2005.
3. Claims 1, 3-11, and 13-50 remain pending.

Specification

4. Amendments to the specification have been entered into the record. The drawings objection and the disclosure objection have been withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 7-10, 14-17, 19, 20, and 28-36, 41-45, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu et al. (US 5,987,256), hereinafter referred to as Wu.

7. Regarding claim 1, Wu discloses a method for providing content, comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57);

compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser, said executable code provides said particular content, said step of compiling is performed at said server in response to said request (col. 2, lines 47-50 and col. 4, lines 43-48); and

transmitting said executable code from said server to said rendering entity (col. 2, lines 50-51 and col. 4, lines 43-48).

8. Regarding claim 3, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

9. Regarding claim 7, Wu discloses executing said executable code at said rendering entity (col. 4, lines 32-35).

10. Regarding claim 8, Wu discloses:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50).

11. Regarding claim 9, Wu discloses that said step of compiling comprises the steps of converting said mark-up language description to action script; and compiling said action script into action script byte code (col. 17, lines 49-50).

12. Regarding claim 10, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50), said request is from said client (col. 2, line 52), said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said particular content includes data (col. 2, lines 45-46) and said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

13. Regarding claim 14, Wu discloses a method for providing content, comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing first code associated with said particular content, said first code includes a mark-up language description and a scripting language description (col. 2, lines 46-47, 57 and col. 1, lines 17-21);

compiling said first code to create executable code that implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50);

and transmitting said executable code from said server to a client (col. 2, lines 50-51).

14. Regarding claim 15, Wu discloses that said request is from said client (col. 2, line 52).

15. Regarding claim 16, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and

 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

16. Regarding claim 17, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

17. Regarding claim 19, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

18. Regarding claim 20, Wu discloses the steps of:

 accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

 transforming said media content to an accepted format (col. 2, lines 47-50); and
 adding said transformed media content to said executable code (col. 2, lines 47-50).

19. Regarding claim 28, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

 receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57);

compiling said mark-up language description of said particular content to create executable code for a plug-in to a browser, said executable code provides said particular content, said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

20. Regarding claim 29, Wu discloses that said request is from said browser (col. 2, line 52).

21. Regarding claim 30, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

22. Regarding claim 31, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and

 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

23. Regarding claim 32, Wu discloses that said method further comprises the steps of:

 accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

 transforming said media content to an accepted format (col. 2, lines 47-50); and
 adding said transformed media content to said executable code (col. 2, lines 47-50).

24. Regarding claim 33, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing first code associated with said particular content (col. 2, lines 46-47, 57);

compiling said first code to create executable code for a plug-in to a web client, said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said plug-in (col. 2, lines 50-51).

25. Regarding claim 34, Wu discloses that said request is from said web client (col. 2, line 52).

26. Regarding claim 35, Wu discloses that:

said particular content includes data (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

27. Regarding claim 36, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50).

28. Regarding claim 41, Wu discloses an apparatus, comprising:
one or more storage devices (col. 4, lines 57-59); and
one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46), said request is from a client (col. 2, line 52),
accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57),

compiling said mark-up language description of said particular content to create executable code for a plug-in to a HTTP client, said executable code provides said particular content, said step of compiling is performed at said server in response to said plug-in (col. 2, lines 47-50), and

transmitting said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also

inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

29. Regarding claim 42, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

30. Regarding claim 43, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and

 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

31. Regarding claim 44, Wu discloses the steps of:

 accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

 transforming said media content to an accepted format (col. 2, lines 47-50); and

 adding said transformed media content to said executable code (col. 2, lines 47-50).

32. Regarding claim 45, Wu discloses an apparatus, comprising:

 one or more storage devices (col. 4, lines 57-59); and

 one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors perform a method comprising the steps of:

 receiving a request for particular content, said request is received at a server (col. 2, lines 45-46), said request is from a client, said client includes a

browser and a rendering engine that is different than said browser but operates within said browser (col. 2, line 52),

accessing first code associated with said particular content at said server (col. 2, lines 46-47, 57),

compiling said first code to create executable code for said rendering engine, said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50), and

transmitting said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

33. Regarding claim 47, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50).

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 6, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Microsoft Press Computer Dictionary.

36. Regarding claims 6, 18, and 25, Wu discloses that the executable code is transmitted over the World Wide Web to the target device (col. 2, lines 21-22), however Wu does not expressly disclose that the step of transmitting includes using HTTP to transmit said executable code via a network. Microsoft Press Computer Dictionary teaches that HTTP is the protocol used to transmit data on the Web (page 238, lines 39-42). Wu and Microsoft Press Computer Dictionary are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention it would have been obvious to one of ordinary skill in the art to use HTTP to transmit Wu's data to the target device in order to conform to convention. Therefore it would have been obvious to combine Microsoft Press Computer Dictionary with Wu for the benefit of convention to obtain the invention as specified in claims 6, 18, and 25.

37. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Russell (2002/0069420).

38. Regarding claim 11, Wu does not expressly disclose the step of authenticating said request, said steps of compiling and transmitting are only performed if said step of authenticating is successful. Russell teaches that a network may authenticate a user's request to download content and that if that authentication fails, the server will not allow the user to download the content (par. 94, lines 1-10). Wu and Russell are analogous art because they are both from the same field of endeavor of content delivery. At the time of invention it would have been obvious to a person of ordinary skill in the art to allow Wu's invention to authenticate requests for content and to deny delivery of the content if the request does not pass authentication, as taught by Russell. The motivation for doing so would have been to ensure that the user making the request is authorized to access the content (par. 91, lines 6-7). Therefore it would have been obvious to combine Russell with Wu for the benefit of authorized access to obtain the invention as specified in claim 11.

39. Claims 4, 5, 13, 21-24, 26, 27, 37-40, 46, and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Davis (6,643,696).

40. Regarding claim 4, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and
 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

 Wu does not expressly disclose receiving a request from said client for second content, that said second content includes data from an external data source, and that said request for said second content is received by and handled by said request handler

in said presentation server. However, Davis teaches that a client device can send a request to a server for secondary content (col. 5, lines 54-58) and that the secondary content can be from an external data source (abstract, line 7). Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 4.

41. Regarding claim 5, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

42. Regarding claim 13, Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not

expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 13.

43. Regarding claim 21, Wu discloses a method for providing content, comprising the steps of:

receiving a request for content that includes data, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description associated with said content at said server (col. 2, lines 45-46);

accessing said data at a data source external to and different than said server in response to said mark-up language description (col. 2, lines 46-47);

compiling said content at said server to create executable code, said content is based on said mark-up language description and said data, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would

have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 21.

44. Regarding claim 22, Wu discloses that said request is from said client (col. 2, line 52).

45. Regarding claim 23, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

46. Regarding claim 24, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

47. Regarding claim 26, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

48. Regarding claim 27, Wu discloses:

accessing media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

49. Regarding claim 37, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for content that includes data, said request is received at a server (col. 2, lines 45-46);

accessing said data at a data source external to and different than said server in response to said mark-up language description (col. 2, lines 46-47);

accessing said data at a data source external to said server (col. 2, lines 46-47, 57);

compiling said data and said mark-up language description at said server to create executable code for a rendering entity that is separate from a browser but operates within said browser, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said rendering entity at a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At

the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 37.

50. Regarding claim 38, Wu discloses that said request is from said client (col. 2, line 52).

51. Regarding claim 39, Wu discloses said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

52. Regarding claim 40, Wu discloses that said method further comprises the steps of:

accessing media content (col. 2, lines 46-47, 60);
transforming said media content to an accepted format (col. 2, lines 47-50); and
adding said transformed media content to said executable code (col. 2, lines 47-50).

53. Regarding claim 46, Wu discloses that:

said particular content includes data stored at a source external to said server, said accessing first code includes accessing said data at said source external to said server (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have

been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 46.

54. Regarding claim 48, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and
one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors perform a method comprising the steps of:

receiving a request for content that includes data, said request is received at a server (col. 2, lines 45-46), said request is from a client (col. 2, line 52),

accessing a mark-up language description and a scripting language description associated with said content at said server (col. 2, lines 46-47);

accessing said data from a source external to said server (col. 2, lines 46-47),

compiling said mark-up language description and said scripting language description at said server to create executable code, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50), and

transmitting said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also

inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 48.

55. Regarding claim 49, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

56. Regarding claim 50, Wu discloses the steps of:

accessing media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

Response to Arguments

57. Applicant's arguments filed 23 September 2005 have been fully considered but they are not persuasive.

58. (A) In reference to claim 1, Applicant argues on page 17 of Remarks that Wu does not disclose "compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser ... and transmitting said executable code from said server to said rendering entity," as recited in claim 1. In response, the Examiner does not agree. It is clearly disclosed by Wu in column 4, lines 43-48 the method of compiling data (HTML and JAVA code) and then transmitting the compiled code data to the appropriate destination for rendering (Applicant's claimed "rendering entity"). In conclusion, these steps as disclosed by Wu are deemed the same as Applicant's claimed steps of "compiling mark-up language" and "transmitting said executable code from said server to said rendering entity."

59. (B) In reference to claim 21, Applicant argues on page 18 that Wu does not disclose “accessing data at a data source that is different than said server, said particular content includes said data, said accessing data being performed by said server,” as recited in claim 21. In response to Applicant’s argument that the references fail to show certain features of Applicant’s invention, it is noted that the features upon which Applicant relies (i.e., “accessing data at a data source that is different than said server, said particular content includes said data, said accessing data being performed by said server”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

60. (C) In reference to claim 21, Applicant argues that Davis does not disclose “accessing said data at a data source external to and different than said server in response to said mark-up language description ... said content is based on said mark-up language description and said data,” as recited in claim 21. The Examiner respectfully disagrees. The Examiner maintains that Davis is relied upon simply for the steps of being able to access an external data source (i.e. remote storage, see Davis, col. 5, lines 54-58). Davis’s method of calling an application from a previously downloaded webpage could be used with Wu’s method of compiling code at a server rather than at the client. After Davis’s webpage is downloaded with Wu’s system, Davis’s webpage would call the secondary application and Wu’s system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu’s system to be

able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). In conclusion, these steps as disclosed by Wu and Davis are deemed the same as Applicant's claimed steps of "accessing said data at a data source external to and different than said server in response to said mark-up language description ... said content is based on said mark-up language description and said data,"

61. (D) In reference to claim 14, Applicant argues that the limitation "first code includes a mark-up language description and a scripting language description" is not disclosed by Wu. The Examiner does not agree. In the "field of invention" of the patent to Wu (see column 1, lines 16-25), Wu clearly discloses the use of standard language codes in web environments. Both mark-up languages and scripting languages are commonly used in web environments as is known in the art, therefore it is deemed that the use of scripting languages would have been inherent in the technology disclosed by Wu. In conclusion, these steps as disclosed by Wu are deemed the same as Applicant's claimed steps of "first code includes a mark-up language description and a scripting language description."

62. (E) In reference to claims 5, 9, 17, and 24, Applicant argues that the limitation "conversion to an action script" is not taught by Wu. The Examiner does not agree. In column 17, lines 49-50, Wu discloses steps of "optimization" when performing functions on and creation of byte codes. Therefore, these steps as disclosed by Wu encompass the method of converting and compiling "action script" as disclosed by the Applicant. It is also noted by the Examiner that the Applicant has disclosed in their specification filed 5 March 2002 on page 29, line 27 – page 30, line 1 that the compilation of "Action Script

Byte Code" is already well known in the art. In view of the above, the Examiner has deemed claims 5, 9, 17, and 24 as taught by Wu and also adds that these steps are already known functions (as disclosed by Applicant).

63. (F) In reference to claims 8, 10, 20, 27, 32, 36, 40, 44, 47, and 50, Applicant argues that the limitation "transforming of media content and adding the transformed media content to the executable code" is not taught by Wu. The Examiner disagrees. Wu discloses the compilation of "data sets" in web environments (col. 4, lines 43-48), these data sets including any types of text, video, and imagery that are commonly used when presenting content to users when displayed on a web browser. Therefore, it is concluded that Wu does in fact teach "transforming of media content and adding the transformed media content to the executable code" as claimed in claims 8, 10, 20, 27, 32, 36, 40, 44, 47, and 50.

64. In view of the above, it is concluded that the present claims are not patentable over the cited prior art of record.

Conclusion

65. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
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PRIMARY EXAMINER
3/14/06